

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE HUNTER,

Petitioner,

v.

Case No. 2:07-CV-15049

CINDI CURTIN,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR A CERTIFICATE
OF APPEALABILITY AND GRANTING MOTION/APPLICATION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS ON APPEAL**

This matter is before the court on Petitioner's motions for a certificate of appealability and for leave to proceed on appeal in forma pauperis. The court declined to issue a certificate of appealability in its opinion and order denying the petition for a writ of habeas corpus. The court finds no reason to reconsider that decision. A request for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. See *Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Petitioner has not met his burden of showing a palpable defect by which the court has been misled or that a different disposition must result from a correction thereof, as required by the local rules. E.D. Mich. LR 7.1(g)(3). The court will deny the motion for a certificate of appealability.

Petitioner has also filed a "Motion to Proceed In Forma Pauperis on Appeal" Federal Rule of Appellate Procedure 24(a)(1) provides that a party to a district court

action who desires to appeal in forma pauperis must file a motion in the district court. An appeal may not be taken in forma pauperis if the court determines that it is not taken in good faith. 28 U.S.C. § 1915(a)(3). “[T]he standard governing the issuance of a certificate of appealability is more demanding than the standard for determining whether an appeal is in good faith.” *United States v. Cahill-Masching*, No. 97 C 3231, 2002 WL 15701, * 3 (N.D. Ill. Jan. 4, 2002). “[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit.” *Walker v. O'Brien*, 216 F.3d 626, 631 (7th Cir. 2000). Although the court finds that a certificate of appealability should not issue, the court concludes that an appeal in this case may be taken in good faith. The court will grant Petitioner's application to proceed without prepayment of the filing fee. Accordingly,

IT IS ORDERED that Petitioner's motion for a certificate of appealability [Dkt. # 16] is DENIED.

IT IS FURTHER ORDERED that Petitioner's motion/application for leave to proceed in forma pauperis on appeal [Dkt. # 15] is GRANTED.

s/Robert H. Cleland
 ROBERT H. CLELAND
 UNITED STATES DISTRICT JUDGE

Dated: October 8, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 8, 2009, by electronic and/or ordinary mail.

s/Lisa Wagner
 Case Manager and Deputy Clerk
 (313) 234-5522